



United States Department of State

Washington, D.C. 20520

APR 02 2019

F-2019-04389

Matthew Topic
MuckRock News
Dept MR 70370
411A Highland Ave.
Somerville, MA 02144

Dear Mr. Topic:

This letter is to acknowledge receipt of your March 13, 2019 request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to the Department of State, in which you requested reports, studies or other records analyzing or discussing the amount of annual funding needed to improve compliance with the Freedom of Information Act, etc.

The Office of Information Programs and Services (IPS) received your FOIA request on March 20, 2019 and assigned it the tracking number at the top of this letter. Please include the tracking number in all future communications concerning this FOIA request. We have classified you as an other-use requester.

You have requested that the Department waive the fees for processing your request. Our FOIA regulations state that the Department may waive fees if it determines, in its discretion, that “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” Our FOIA regulations also provide four specific criteria that are used to determine whether this standard is met. *See* 22 CFR 171.16. Your request does not meet this standard; therefore, your request for a fee waiver has been denied.

You also requested expedited processing of your FOIA request. The Department’s FOIA regulations (22 CFR § 171.11(f)) state that requests shall receive expedited processing when a requester demonstrates a “compelling need” for the information because:

- (1) Failure to obtain requested information on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual.
- (2) The information is urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged Federal government activity. Requesters must demonstrate that their primary activity involves publishing or otherwise disseminating information to the public in general, not just to a particular segment or group.
- (3) Failure to release the information would impair substantial due process rights or harm substantial humanitarian interests.

Based on the information you provided, your request does not demonstrate a compelling need under any of these standards. Therefore, your request for expedited processing has been denied.

If you are not satisfied with the Department's determination in response to your fee waiver and/or expedited processing request, you may administratively appeal by writing to: Director, Office of Information Programs and Services (IPS), U.S. Department of State, State Annex 2 (SA-2), 515 22nd Street, NW, Washington, D.C. 20522-8100, or faxed to (202) 261-8571. Appeals must be postmarked within 90 calendar days of the date of this initial agency decision letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response.

The records you seek require the need to search in offices that are separate from the office processing your request. Accordingly, your request falls within "unusual circumstances" as defined in the FOIA. See 5 U.S.C. § 552(a)(6)(B)(i)-(iii). Because of these unusual circumstances, we need to extend the time limit to respond to your request beyond the ten additional days provided by the statute.

The time needed to complete our work on your request will necessarily depend on a variety of factors including the number of locations that must be searched, the complexity of the search, the volume and complexity of any material located, and consultations with other U.S. Government agencies whose information is included in the material located. The time needed will also depend on the number of other requests ahead of it in the relevant processing track.

This Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Your request has been assigned to the complex track and will be handled as quickly as possible.

In an effort to speed the processing of your request, you may wish to narrow the scope of your request. Among the ways you can do so is by narrowing the date range of requested records, reducing the number of topics requested, excluding certain types of records (such as e-mails and/or paper records) from the request, identifying the particular office/bureau from which you are seeking records, and limiting the number of potentially responsive records you seek. You can also agree to an alternative time frame for processing, should records be located, or you may wish to await the completion of our records search to discuss either of these options.

I regret the necessity of this delay, but I assure you that your request will be processed as soon as possible. If you wish to discuss narrowing of your request or an alternative time frame for the processing of your request, or if you have any questions regarding the status of your request, you may contact our FOIA Requester Service Center or our FOIA Public Liaison via email at FOIAstatus@state.gov or telephone at (202) 261-8484.

Lastly, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email address: ogis@nara.gov; telephone: (202) 741-5770; toll free number: 1-877-684-6448; facsimile: (202) 741-5769.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angela M. Averette', written over the printed name.

Angela M. Averette, Chief

Requester Communications Branch

Requester Liaison Division

Office of Information Programs and Services